

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
SEP 05 2008

Clerk

DONALD V. ARCHAMBAULT,

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CIV 08-4132

*

Petitioner,

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*

-VS-

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ORDER

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UNITED STATES OF AMERICA,

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Respondent.

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Petitioner, Donald V. Archambault, an inmate at the Terre Haute F.C.I., has filed a Motion to Vacate, Correct or Set Aside Sentence pursuant to 28 U.S.C. § 2255. The Motion does not conclusively show that Petitioner is entitled to no relief. Petitioner has also filed an Application to Proceed Without Prepayment of Fees and Affidavit, Doc. 35, which the Court construes as a request to proceed *in forma pauperis*. Accordingly,

IT IS ORDERED:

- (1) that the Clerk shall serve a copy of the Motion and a copy of this Order upon the United States Attorney for the District of South Dakota; and
- (2) that the Government shall file its Response to the Motion within 20 days from the date of service of the Motion and this Order.
- (3) that the request to proceed *in forma pauperis*, Doc. 35, is GRANTED.

Dated this 5th day of September, 2008.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: Shelly Margulies
(SEAL) DEPUTY